

Agenda Salem-Keizer Area Transportation Study (SKATS)

Technical Advisory Committee (TAC)

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Date: Tuesday, October 10, 2023

Time: 1:30 p.m.

Place: Hybrid Meeting (100 High St SE, Suite 200 Salem or via Zoom)

Phone: (503) 588 6177

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Website: www.mwvcog.org

- A. Call to Order Julie Warncke**
- B. Approval of TAC Minutes September 12, 2023..... Julie Warncke**
- C. Title VI Plan Update Kim Sapunar**

Background: The Oregon Department of Transportation (ODOT) Office of Equity and Civil Rights (OECR) conducted a Title VI Review of the Salem Keizer Area Transportation Study (SKATS), including an onsite review with staff on August 1, 2023, with David Morrissey the Title VI/EJ/ADA Program Manager, and Jennifer Erickson, Civil Rights Programs Coordinator.

The Mid-Willamette Valley Council of Governments is pleased to comply with the Americans with Disabilities Act (ADA). If you need special accommodations or translation services to attend this meeting, please contact Lori Moore at (503) 540-1609 or send e-mail to lomoore@mwvcog.org at least 72 hours prior to the meeting. *Hearing impaired please call Oregon Telecommunications Relay Service, 7-1-1.* Thank you.

The Title VI plan and all associated materials were reviewed, and SKATS received ODOT’s report on September 6, 2023, acknowledging full compliance with meaningful policies and practices in place for Title VI compliance. As SKATS last Title VI Implementation Plan update was in 2019, ODOT requested that the MPO submit its next plan update by December 5, 2023.

With some recent input from ODOT’s Civil Rights division, the Title VI Plan has been updated, and the draft document is **attached**.

Action

Requested: Review and comment on the draft Title VI Plan.

D. SKATS FY 2024 – 2025 Unified Planning Work Program.....Mike Jaffe

Background: Placeholder for discussion on the FY 2024 – 2025 UPWP and inclusion of local planning studies that will require MPO involvement. **Attached** is an overview of the major items for FY 2024-2025 and the schedule leading to adoption of the UPWP. Entries that are highlighted represent those that will change before the final draft based on input from the TAC and/or the organization responsible for the planning items (e.g., SAMTD for the Transit Planning entries).

Action

Requested: Discussion.

E. Other Business.....SKATS Staff

- Next Policy Committee Meeting – **October 24, 2023**
- Next TAC Meeting – **November 14, 2023**
- PGE Electric School Bus Fund and Drive Change Fund 2023 Recipients: Salem-Keizer School District (EV school bus) and Salem (EV mini street sweeper).

F. Adjournment Julie Warncke

DRAFT

Minutes

Salem-Keizer Area Transportation Study (SKATS)
Technical Advisory Committee (TAC)
September 12, 2023 @1:30pm
100 High St. SE, Suite 200
Salem, OR

This was a Hybrid meeting: attendance was online via Zoom & in-person in the MWVCOG Conference room.

TAC Members in Attendance

Austin Barnes, Marion County Planning
Austin McGuigan, Polk County Planning Dept.
Brandon Williams, ODOT Region 2
Chris French, SAMTD/Cherriots
Janelle Shanahan, Marion County Public Works
Julie Warncke, Salem Public Works, 2023 Chair
Melissa Ahrens, DLCD
Scott McClure, City of Turner

TAC Members Absent

Bill Lawyer, Keizer Public Works
Lisa Anderson-Ogilvie, Salem Community Development, 2023 Vice Chair
Jasmine Harris, FHWA
Shane Witham, Keizer Community Development
Todd Whitaker, Polk County Planning
Rachel Sakata DEQ, as needed
Victor Lippert, Salem-Keizer Schools
ODOT Trans. Planning Analysis Unit, as needed

Others in Attendance

Carl Lund, Marion County Public Works
Jacqueline Green, NE Keizer Neighborhood Assoc.
Kim Sapunar, MWVCOG-SKATS
Lani Radtke, Marion County Public Works
Mark Bernard, ODOT
Matt Etzel, Aumsville Public Works
Ray Jackson, MWVCOG-SKATS
Shofi Ull Azum, SAMTD/Cherriots
Stephen Dobrinich, MWVCOG-SKATS
Tammy Kunz, NE Keizer Neighborhood Assoc.
Theresa Whisenhunt, MWVCOG-SKATS

Agenda Item A. Call to Order

Chair Julie Warncke called the meeting to order at 1:30 p.m.

Agenda Item B. Approval of Minutes of August 8, 2023

Motion was made by Austin McGuigan, seconded by Chris French, to approve the minutes of the August 8, 2023, meeting as presented. Those voting in favor of the motion were Austin McGuigan, Brandon Williams, Chris French, Juile Warncke, and Melissa Ahrens.¹ **The motion passed unanimously.**

Agenda Item C. McGilchrist at 22nd Street -Additional Funding Request

In March, the SKATS Policy Committee (PC) approved the addition of \$4.5 million in local funds for the McGilchrist Street at 22nd Street intersection realignment project (K21887). Local funds were added at that time to help move the bid process forward with the understanding that the city of Salem would request additional federal funds after bids were received. The city of Salem is requesting \$3 million in SKATS discretionary funds for this project to reduce overmatch. Steve Dobrinich presented to the committee the status of unprogrammed funds. Currently, SKATS staff estimates the region has approximately \$7.8 million in unprogrammed MPO federal funds available through FFY 2027². This unprogrammed funding will be available in installments over the next four fiscal years meaning that requests will need to be scheduled accordingly. Funds for the McGilchrist intersection realignment project are requested as soon as FFY 2024, however, SKATS does not have sufficient funds until 2025. If the funding request is approved, SKATS will use advance construction to move FFY2025 funds into FFY2024 so funds may be used sooner.

Motion was made by Chris French, seconded by Janelle Shanahan, to recommend to the Policy Committee to add \$3 million of unprogrammed federal funds, via advance construction, to the McGilchrist at 22nd Street intersection realignment project.

Austin McGuigan asked for further discussion regarding the rationale to “backfill” this project funding with unprogrammed funds. Is this going to set precedent to other projects requesting additional monies from unprogrammed funds or should we slip other projects? It was discussed that approving the \$3 million for this project is unique to this TIP cycle; this is likely a “one time deal for this TIP; that was already agreed upon”. SKATS staff noted that the Policy Committee adopted a policy to put additional funds towards existing projects prior to funding new projects.

Chair Warncke, having heard no further discussion, called for the vote. Those voting in favor of the motion were Austin Barnes, Austin McGuigan, Brandon Williams, Chris French, Janelle Shanahan, Juile Warncke, Melissa Ahrens, and Scott McClure. **The motion passed unanimously.**

¹ Janelle Shanahan, Austin Barnes, and Scott McClure arrived following the vote on the minutes of August 8, 2023.

² Illustrated in Table 1 of item C, of the agenda packet.

Agenda Item D. Federal Functional Classification Update

As part of the process conducted after each U.S. Decennial Census, the federal functional classification (FFC) of the roads within the revised Federal Aid Urban Boundary (FAUB) need to be reviewed. This review took part in July and August with staff from each of the local jurisdictions to reflect changes in functional classification and whether new roads have been (or will be) built since the last review. Mr. Jackson submitted an updated list to the TAC on the proposed changes and asked that the members discuss the information with their public works departments and submit to SKATS staff any corrections needed. Data will be sent to ODOT by September 29, 2023, after review with Brandon Williams.

Agenda Item E. MPO Policy Committee Structure Discussion

The SKATS Policy Committee continued the discussion of the MPO structure at their August meeting, but no decisions have been made yet. A member of the PC requested feedback from the TAC on this subject. The TAC was supplied with the draft PC meeting minutes prior to today's meeting to review and be prepared to discuss. The TAC was presented with the five main options under discussion in the PC.

- 1) Adding Aumsville as a non-voting member via an amendment to the Bylaws, giving them a voice in the discussion in the short term. Change them to a voting member after Salem's representation on the PC is resolved.
- 2) Amending the Cooperated Agreement (CA) and Bylaws to add the city of Aumsville as a voting member.
- 3) Same as #2 but also add a second seat for Salem as a non-voting member.
- 4) Same as #2 but also add a second seat for Salem as a voting member.
- 5) Doing a facilitated process to discuss the above options, plus other potential changes to the CA and Bylaws.

The TAC discussed the options and issues. The focus was on whether A) a facilitated process would be best and B) if there are even issues / problems that need to be fixed or would option #2 be sufficient to recommend. Austin McGuigan spoke about what he believes his commissioner on the PC (Commissioner Lyle Mordhorst) is most concerned. Mr. McGuigan feels this is a policy matter not a TAC matter but attempted to paraphrase Polk County's viewpoint for the TAC to consider. Polk County feels "nothing is broken", the MPO has been able to get projects completed in a fair and equitable manner, and the city of Turner was brought into the MPO voting structure smoothly. They interpret the concern at the PC level, that, in the future, there will be difficulties for the region in understanding the complexity of Salem's issues and that the smaller jurisdictions are not going to support transportation funding in a way that reflects the complexity that Salem is advocating for. He feels that the committees need to be looking at the bigger picture: what is the purpose of an MPO? An MPO's purpose is "to have an opportunity for the general-purpose governments to be able to coordinate their transportation planning." Mr. McGuigan feels the MPO has been generous in the overall participation of the members and it's

important to understand that all the jurisdictions are impacted by the transportation system in Salem; all are very interconnected. The transportation projects tie into community outcomes the MPO is trying to achieve; i.e., housing plans, health, and safety. If Salem feels their projects are not going to be understood and should have additional votes to get the outcomes they want, Polk County thinks it's important to look at the need for single-purpose districts to even have a vote - not whether general-purpose districts should have additional votes or not. With the historical cooperation in the MPO, Polk County feels the discussion of additional votes is premature and not based on existing facts; adding additional votes for Salem may actually be risking future infighting between two wards [of Salem], thus disrupting the work of the MPO.

Chair Warncke also agrees that the conversation, in many ways, is missing the point. She feels that the members are jumping to conclusions and that a facilitated process would be the best option to get to the real issues (if there are any) and steer the conversation to a resolution. That resolution may mean additional votes for Salem or may mean circling back around to option 2. The benefit of this approach would be having a clarifying conversation on MPO structure. She feels that the PC has jumped to the "fixes" of problems that have yet to be identified. Doing a facilitated process may be useful, if only to update the CA and Bylaws to current standards.

Shofi Ull Azum concurred with Chair Warncke in that a facilitated process would best serve the committee and not to jump to conclusions. He too feels it would be beneficial to use a facilitated process to update the CA and Bylaws; all voices need to be heard. He suggested that a weighted vote could be considered or using the rotation seats/votes option; all these would be discussed in a facilitated process.

Melissa Ahren drew attention to federal law and guidelines. She asked if there have been changes in regulations that would affect the CA and Bylaws? Mr. Jackson responded that there was a change in the federal law that requires the transit district be on the MPO board, but SAMTD is already on the board so that change did not affect the MPO. Staff is unaware of any other change to federal law that would affect the CA and clarified the difference between amending the CA, restructuring the CA, and when the CA would need to be redesignated by the Governor. Ms. Ahren pointed to 23 USC 134 (d) (3) (D); there seems to be a "pathway" to restructuring with a requirement regarding equitable and proportional distribution of representation. Staff will need to do additional research on this code and whether that code is different from the 75% representation requirement³.

³ USC stands for the United States Code and CFR for the Code for Federal Regulations. After a bill is passed by the U.S. Congress and signed into law, it is entered into the relevant section of the USC. For metropolitan transportation planning this is 23 USC 134. USDOT (primarily Federal Highway Administration) staff will go through a Rule Making Process to turn the enabling legislation into the relevant section(s) of the CFR (for metropolitan transportation planning this is 23 CFR 450.300 et seq. The passage of the Infrastructure Investment and Jobs Act (IIJA) of 2021 has resulted in modifications to 23 USC 134 that have yet to be reflect in new rules that are part of 23 CFR 450.300 et seq. FHWA and the Federal Transit Administration (FTA) have not published a timeline of when these modifications will take place.

The feedback from both Marion and Polk County was consistent with their elected officials on the PC – they both felt that a facilitated process is unnecessary as there are no issues needing to be “fixed” with extensive amendments to the voting structure. Both counties’ representatives feel a direct approach is needed is to add Aumsville to the CA and Bylaws; no need to waste money and time, and then maintain the current collaboration. Salem and SAMTD representatives feel there is a need for a facilitated process to look at the options more closely and help determine the best outcome regarding the MPO structure.

Due to a scheduling conflict for Chair Warncke, SKATS Staff will report to the PC the discussion that took place today, at the next PC meeting on September 26th.

Agenda Item F. Other Business

- Next Policy Committee Meeting – **September 26, 2023**
- Next TAC Meeting – **October 10, 2023**
- Oregon Travel Study started September 1, 2023, for the fall recruitment.
- Lori Moore retires on September 14th.
- ARTS applications are due December 15, 2023
- Neighborhood Access and Equity Grant Program – funding available until September 30, 2026.⁴
- Salem-Keizer Safe Routes to School made available the art contest 2023-2024 calendars to the members.

Chair Julie Warncke adjourned the meeting at 3:04 p.m.

⁴ https://www.fhwa.dot.gov/inflation-reduction-act/fact_sheets/nae_grant_program.cfm

Agenda Item C

Title VI Plan Update

SKATS Technical Advisory Committee

October 10, 2023

Action Requested: Review and comment on the draft Title VI Plan

SKATS

Title VI Plan



November 20~~23~~¹⁹

prepared by:

Salem-Keizer Area Transportation Study

administered by:

**Mid-Willamette Valley
Council of Governments
100 High Street SE, Suite 200
Salem, Oregon 97301
(503) 588-6177
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Executive Summary

The Salem-Keizer Area Transportation Study (SKATS) serves as the federally designated Metropolitan Planning Organization (MPO) for the Salem, Keizer and Turner area. The MPO is responsible for transportation planning activities, plans, and studies within the Salem-Keizer urban area for transportation facilities of regional significance. The MPO is required to comply with many federal laws, statutes and regulations in its creation of products including its short- and long-range transportation plans.

Title VI of the Civil Rights Act legally prohibits discrimination, denial of benefits, or exclusion from participation based on race, color, or national origin. As a recipient of federal and state funds, the MPO is subject to Title VI provisions and must have an adopted plan to ensure compliance and implementation of Title VI practices.

In addition to Title VI, there are other nondiscrimination statutes that afford legal protection. Some of these statutes are Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (based on sex), Age Discrimination Act of 1975 (based on age), and Section 504 of the Rehabilitation Act of 1973/Americans [w](#)With Disabilities Act of 1990 (based on disability). Also, in 1994, President Clinton issued an Executive Order addressing the concept of Environmental Justice for minority and low-income populations, which directed recipients of federal dollars to create strategies for addressing inequity. [In 2023, President Biden issued Executive Order 14096 which builds on prior Environmental Justice \(EJ\) initiatives strengthening the role of scientific, data-based research and analysis, along with the integration of EJ considerations within administrative functions.](#)

First and foremost, this plan addresses the responsibilities and implementation of the Title VI statute and other Federal statutes in the work of the MPO prohibiting discrimination based on race, color, sex or national origin. Due to the interrelated and overlapping nature of additional nondiscrimination statutes and federal directives, it also addresses the MPO's work in ensuring equity and participation in its transportation work by all who may be disadvantaged including low-income, the disabled or elderly. See **Appendix L** for a comparison of Title VI and Environmental Justice requirements, and the Federal Highway Administration's Title VI Program. As such, this document is in two parts, the first part addresses Title VI implementation, and second outlines Environmental Justice guidelines.

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Introduction

The Salem-Keizer Area Transportation Study (SKATS) is the designated Metropolitan Planning Organization (MPO) responsible for developing and implementing a coordinated, comprehensive, and continuing planning process that address issues related to the transportation systems of regional significance in the Salem-Keizer-Turner urban area. The Mid-Willamette Valley Council of Governments provides the staffing and administrative responsibilities for the MPO.

As a subrecipient of federal funds, the SKATS transportation planning program is required to comply with Title VI of the 1964 Civil Rights Act, the President's Executive Order on Environmental Justice, and related statutes, executive orders, and federal regulations. **The primary function of the SKATS Title VI Plan is to address Title VI principles and requirements as they apply to the SKATS transportation planning program.**

SKATS MPO: Background and Governance

The SKATS planning area includes the urban growth boundaries of the cities of Salem, Keizer, and Turner; and urbanized portions of Marion and Polk Counties adjacent to these cities. (*See Appendix B – SKATS Boundary Map.*) As the designated MPO, SKATS coordinates the regional transportation planning process and investments for the area including:

- Development and maintenance of the *Regional Metropolitan Transportation Systems Plan (RMTSP)*, a 20-year plan for transportation systems and investments;
- Development and maintenance of the regional *Transportation Improvement Program (TIP)*, a four-year schedule of federally funded projects;
- Requirements for complying with state and federal air quality regulations as they apply to transportation conformity;
- Development and adoption of an annual *Unified Planning Work Program (UPWP)*, which identifies transportation planning activities; major regional planning and operational studies of the regional system; transportation modeling and forecasting tasks; transit-system planning; and interagency coordination between SKATS and state and local jurisdictions; and
- Providing opportunities for public involvement in the transportation planning and decision-making process following the adopted guidelines in the SKATS *Public Participation Plan (PPP)*.

SKATS is governed by a policy committee made up of elected officials from the jurisdictions within the region and representatives of the Oregon Department of Transportation (ODOT), the Salem Area Mass Transit District (SAMTD), and the Salem-Keizer School District. The SKATS Policy Committee provides the region a forum in which to consider transportation issues; develop coordinated goals, objectives, and strategies; and recommend prudent investments for the regional transportation system. (*See Appendix C – SKATS Committees for the current membership of the SKATS Policy Committee.*)

The SKATS Policy Committee is advised by the SKATS Technical Advisory Committee (TAC), which consists of staff representatives from each of the local jurisdictions and staff from state and federal agencies. (*See Appendix C – SKATS Committees for the current membership of the SKATS TAC.*) Special citizen and/or modal sub-committees are formed on an as needed basis as determined by the Policy Committee.

In order to foster regional coordination and public involvement efforts, SKATS staff and committee members participate in local and regional task forces, steering committees, and workshops; participate as members of transportation-related project management teams and advisory committees; present and share information with neighborhood associations, business organizations, citizen groups, city councils, and county commissions (including work sessions and public meetings); prepare articles published in the Mid-Willamette Valley Council of Government's ~~quarterly newsletter and~~ annual report; post information and updates of ongoing transportation planning work on the MWVCOG website; and involve the public via communication with the news media, the COG Connections e-mail newsletter, social media, the SKATS e-mail and mailing lists, and at open houses.

Each of the major planning and programming decisions made by the SKATS Policy Committee is associated with a corresponding public involvement process. The SKATS *Public Participation Plan* (PPP) for the regional transportation planning process in the Salem-Keizer-Turner urban area was adopted by the SKATS Policy Committee on November 28~~3~~²¹, 201~~7~~²¹. It serves as the guide to ensure the ongoing opportunity for broad-based public participation in the development and review of the region's transportation plans and programs. (*See Appendix D – SKATS Public Participation Plan.*)

Non-Discrimination Policy Statement and Title VI Assurances

The following page contains the MWVCOG's Non-Discrimination Policy Statement. This policy covers programs and activities within the SKATS MPO. This policy statement provides the required assurances to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that the MWVCOG and SKATS Transportation Planning Program will comply with Title VI, as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Federal-aid contracts normally must include provisions that require compliance with Title VI. MWVCOG will include Title VI contract provision language in applicable contracts, following the examples in *Appendix J*, to ensure contractors, subcontractors, and others comply with Title VI.

NON-DISCRIMINATION POLICY STATEMENT AND ASSURANCES

In accordance with Title VI of the Civil Rights Act of 1964 and subsequent federal nondiscrimination directives such as the Federal-Aid Highway Act of 1973, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), and Executive Order 13166 (Limited English Proficiency), the Mid-Willamette Valley Council of Governments (MWVCOG) ASSURES that no person shall, on the grounds of race, color, national origin, disability, age, ~~sex~~gender, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Additionally, under Executive Order 12898 (Environmental Justice) and the subsequent USDOT/FHWA/FTA directives, MWVCOG, acting in its capacity as the Salem Keizer Area Transportation Study Metropolitan Planning Organization (MPO), shall make every effort to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of the MPO programs, policies, and activities on Title VI protected populations.

MWVCOG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. MWVCOG is aware that the Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event MWVCOG in its role as the MPO distributes federal aid funds to another governmental entity or subcontractor, MWVCOG will include Title VI language in all written agreements and will monitor for compliance. The MWVCOG Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other MWVCOG responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Scott Dadson~~Sean O'Day~~, MWVCOG Executive Director

Date

Title VI Overview and the Work of the MPO

Title VI of the Civil Rights Act of 1964

Section 601 of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Subsequent legislation (*See Appendix A for the complete list of Statutes, Authorities, and Citations.*) has extended the protections under Title VI to prohibit discrimination based on ~~gender~~sex, disability, age, and income status. The Civil Rights Restoration Act of 1987 established that Title VI applies to all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Title VI bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups).

Environmental Justice

In 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order focused attention on Title VI by providing that "each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." In 2023, President Biden issued Executive Order 14096 which builds on prior Environmental Justice (EJ) initiatives strengthening the role of scientific, data-based research and analysis, and integrating EJ considerations within administrative functions.

What is the relationship between Environmental Justice and Title VI?

Title VI is a legal statute that protects persons from discrimination on the basis of race, color, and national origin. Environmental Justice is an executive order which mandates that each Federal agency develop an agency-wide strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. Although the nondiscrimination principles of ~~Executive Order 12898~~Environmental Justice and the Title VI statute intersect, they are two separate mandates (*See Appendix L for the overlap and difference between them*).

~~Although~~†The Title VI statute protects persons from discrimination on the basis of race, color, and national origin, the FHWA’s Title VI Program is broad and includes other nondiscrimination statutes and authorities under its umbrella, including Executive Order 12898 (*See Appendix A*

for the complete list of Statutes, Authorities, and Citations). FHWA's Office of Civil Rights oversees the Title VI Program, which ensures that FHWA policies, programs, and activities do not discriminate based on race, color, national origin, income, sex, age, disability, or limited English proficiency.¹ **Due to the broad nature of FHWA's Title VI program, this document will first address Title VI implementation, and will then address Environmental Justice guidelines.**

What is the SKATS MPO Role?

As a recipient of federal and state funds, the SKATS MPO is subject to the provisions of Title VI. The MPO serves as the primary forum where the Oregon Department of Transportation (ODOT), transit providers (including the Salem Area Mass Transit District), local agencies and jurisdictions, and the public develop transportation studies, plans, and programs that address regional transportation planning. In this role, the MPO can help local public officials understand how Title VI requirements improve planning and decision making. To certify compliance with Title VI, the SKATS MPO continues to:

- Use their analytical capabilities to ensure that the long-range transportation plan (~~R~~MTSP) and the transportation improvement program (TIP) comply with Title VI.
- Use a demographic profile (based on Census data) of the SKATS planning area that includes identification of the locations of Title VI protected populations.
- Evaluate and – where necessary – improve their public involvement processes to eliminate participation barriers and engage Title VI populations in transportation decision making.

MPOs act as coordinators with many agencies involved in transportation planning. The SKATS MPO creates a ~~Regional~~ Metropolitan Transportation ~~Systems~~ Plan (~~R~~MTSP) that follows federal guidelines for air quality and financial constraint. The ~~R~~MTSP contains a list of programs and projects on the regional system that address safety, mobility, and multi-modal transportation needs over a 20-year timeframe. The regional Transportation Improvement Program (TIP) distributes federal transportation funds to local agency partners for construction of infrastructure projects, transit and multi-modal travel, travel demand management, traffic operations management, data collection, and planning activities.

As the agency responsible for coordinating the regional transportation process, the SKATS MPO makes sure that all segments of the population have the opportunity to be involved with the planning process. In compiling the projects that make up the regional plan, the SKATS MPO is responsible for evaluating the impact on proposed transportation investments on population groups that may be traditionally underserved or underrepresented.

What has been the SKATS MPO's approach to comply with Title VI?

It has been the SKATS MPO's long-standing policy to actively ensure nondiscrimination and to respond quickly and appropriately to any complaints of discrimination. As a recipient of federal

¹ Federal Highway Administration Environmental Justice Reference Guide, April 1, 2015

funds, the SKATS MPO is required to annually certify its commitment to nondiscrimination under Title VI as part of the MPO's Unified Planning Work Plan.

Based on Census data, SKATS periodically updates the report “***Demographic Profile of Transportation Disadvantaged Populations in the SKATS Area***” that identify (by census tract) population characteristics including low-income, racial and ethnic minority populations, as well as elderly, mobility-limited, and “no vehicle available” households. These reports are available in print and on the MWVCOG website². These reports are used by staff of the MPO to identify protected Title VI populations.

The SKATS MPO has developed a Public Participation Plan that addresses the need to communicate with communities that may be traditionally underserved such as people with disabilities, seniors, low-income, and racial and ethnic minorities. As part of this effort, the SKATS MPO maintains distribution lists that include members of communities that may be traditionally underserved, and community and service organizations.

The SKATS MPO has developed several types of informational material – such as our ***Getting You From Here to There*** brochure – to describe to the public what an MPO is, its role and relation to ODOT and transportation functions of local jurisdictions, as well as information on why and how citizens should get involved. For each **RMTSP** or TIP plan update, brochures and flyers are distributed in English and Spanish describing the purpose of the plan, and how the public can give input. These materials are provided to the public at presentations and open house events. (*See earlier description under Background and Governance.*)

In order to adapt and adjust strategies to improve public participation, the SKATS MPO continues to periodically evaluate its approach, techniques, and successes for public involvement.

What are the SKATS MPO's goals with regard to Title VI?

The SKATS MPO is committed to the goals of preventing discrimination and fostering a just and equitable society while recognizing the key role that transportation services provide to the community. The SKATS MPO establishes the following basic principles to serve as overall objectives in implementing this Title VI program:

- Make transportation decisions that strive to meet the needs of people throughout the SKATS region.
- Enhance the public-involvement process to reach all segments of the population and ensure that all Title VI protected populations have the opportunity to have a voice in the transportation planning process.
- Provide the community with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of, transportation plans and programs on Title VI protected populations.

² Under “Reports and Data” section: <http://www.mwvcog.org/programs/transportation-planning/skats/reports-and-data/> <https://www.mwvcog.org/transportation/page/transportation-disadvantaged-reports>

- Avoid disproportionately high and adverse impacts on Title VI protected populations.
- Comply with the requirements of Title VI and related statutes, regulations, and federal directives.

Title VI Plan

Implementation Strategies, Compliance, and Enforcement Elements

Strategies for Engaging Limited English Speaking Households

From the 2013~~6~~-2017~~20~~ American Community Survey, approximately ~~4.15~~-~~2~~ percent of households ~~of~~ⁱⁿ the ~~census tracts covering the~~ Salem-~~Keizer-Urbanized~~ Area were identified as limited English speaking³. The inability to communicate in English may result in individuals being un-informed of transportation issues and being unable to participate in the transportation planning process and/or impact decisions.

~~Of the a~~Approximately 4,600 ~~of the 99,994~~ households in Salem-~~Keizer-Urbanized~~ Area ~~that~~ are limited English speaking, the majority ~~of which~~ are Spanish speaking households. A SKATS staff member who is fluent in Spanish is available as a point of contact for Spanish-speaking members of the community ~~that want to get for~~ information about regional transportation issues. In addition, SKATS ~~will~~ maintains access to professional translation services and makes arrangements to provide such services as needed. When issues or actions impact concentrated populations of non-English speaking people, announcements, materials, documents, and notices will be provided in the applicable language. Links to the translation service used on the State of Oregon's website or other suitable translation sites will be posted on the SKATS website at:

~~www.mwvcog.org/programs/transportation-planning/skats~~<https://www.mwvcog.org/transportation>

Strategies for Addressing Title VI in Public Participation Activities

The SKATS MPO is committed to early and continuing public participation in transportation planning, programming, and implementation, which is one of the requirements of the Federal surface transportation acts, ~~the latest being Fixing America's Surface Transportation (FAST)~~. In seeking public comment and review, the SKATS MPO makes a concerted effort to reach all segments of the population including Title VI protected populations.

- SKATS maintains a website at: <https://www.mwvcog.org/transportation>
~~www.mwvcog.org/programs/transportation-planning/skats~~
The website is updated frequently and contains information related to MPO activities, including the following:
 - SKATS documents including the ~~Regional Metropolitan Transportation Systems Plan~~ (~~MRTSP~~), the *SKATS Transportation Improvement Program (TIP)*, and the *SKATS Unified Planning Work Program*;
 - Public notices of amendments to the ~~MRTSP~~ or TIP with dates and times of public hearings;

³ A limited English speaking household is one in which no member 14 years old and over speaks only English or speaks a non-English language and speaks English “very well”. In other words, all members 14 years old and over have at least some difficulty with English, Table S1602 2013-2017 ACS.

- SKATS committee meeting information including agendas with date, time, [links to join meetings remotely](#), and location;
- meeting minutes [and links to meeting video recordings](#);
- staff contact information;
- planning study documents (provided as PDFs);
- maps, press releases, notices, and other information, as necessary, to provide the public with accurate and up-to-date information related to transportation issues and planning;
- public participation documents such as the Public Participation Plan, SKATS brochures, etc.; and
- links to other websites that contain information of ongoing transportation studies in the area.

Upon its completion, the SKATS Title VI Plan will be posted on the MWVCOG website along with the complaint process and form in an easily accessible location.

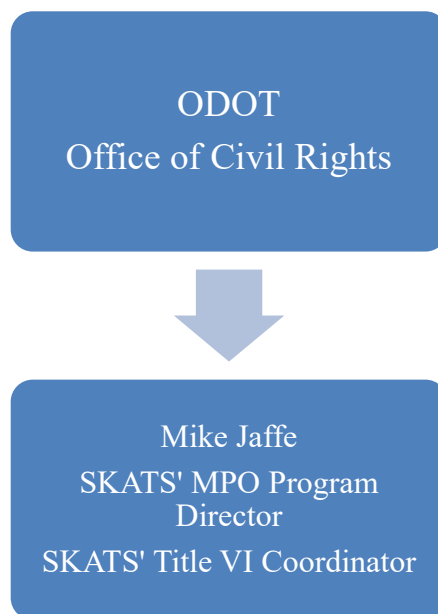
- Strategies to inform and involve the public about regional transportation planning are described in the SKATS Public Participation Plan. *(See Appendix D in this document for a link to the current plan.)*
- In order to explain the MPO’s role in transportation planning, how it coordinates with state and local transportation partners, and how the public can participate in planning and decision making, SKATS developed and distributes a brochure, “*Getting You From Here to There*” that is on the MWVCOG website and provided at open houses and other presentations by SKATS staff. *(See Appendix E in this document.)*
- Press releases [in Spanish and English](#) are created and distributed, as needed, to an extensive list of media contacts, local groups and organizations, individuals, and the MWVCOG/SKATS website and contain contact information for SKATS’ staff. Press releases contain an abbreviated Title VI notice. *(See Appendix G Nondiscrimination Notice to the Public.)*
- SKATS will continue to identify traditionally under-involved populations within the region including minority, limited English speakers, low income, and senior citizen populations via Decennial Census and American Community Survey census data. Public outreach efforts will be designed to fully include these populations in the transportation planning process. *(See Appendix D – SKATS’ Public Participation Plan.)*
- SKATS uses a translator/translation service when working with Limited English speakers. *(See previous description of Language strategies.)*
- Meetings are open to the public at ADA-accessible locations and publicized advance notification is given through a variety of media and other outlets. Public comment and participation are encouraged. Meeting notices and agendas contain the following statement:

“The Salem-Keizer Area Transportation Study is pleased to comply with the Americans with Disabilities Act (ADA). If you need special accommodations to

attend this meeting, a complete agenda packet or additional information, please contact staff at 503-588-6177 or send e-mail to mwvcog@mwvcog.org at least 48 hours prior to the meeting. Hearing impaired, please call Oregon Telecommunications Relay Service, 7-1-1. Thank you.”

Title VI Coordination Between SKATS and ODOT

On behalf of the SKATS Transportation Planning Program, the MPO Program Director is responsible for ensuring the implementation of the SKATS' Title VI Plan and serves as the Title VI Coordinator. The Title VI Coordinator is also responsible for coordinating with the Title VI Specialist in ODOT's Office of Civil Rights.



Title VI Coordinator's Responsibilities

The SKATS MPO Program Director is the designated Title VI coordinator for the SKATS MPO. The SKATS Title VI coordinator or his/her designee is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by *Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21* **-(See Appendix A for the complete list of Statutes, Authorities, and Citations.)** including:

- Ensuring that all SKATS program administration is in compliance with Title VI requirement.
- Monitoring progress, implementation, and compliance issues.
- Ensuring that no person is denied access to, or participation in, MPO programs.
- Ensuring that full and fair participation is available to all potentially impacted communities in the decision-making process.

- Distributing Title VI information to MPO staff, committee members, sub-recipients and contractors, and the public; providing Title VI information on the MWVCOG/SKATS website; and providing Title VI training and/or materials upon request.
- Evaluating and ensuring that intergovernmental agreements or contracts with any sub-contracting entities will include language that requires Title VI compliance including nondiscrimination and Environmental Justice language (see Appendix J).
- Processing, investigating, and attempting to resolve Title VI complaints regarding the SKATS MPO, sub recipients, consultants, and contractors.
- Overseeing the collection of demographic data, compiling an annual activities and accomplishment report, and distributing the report.

Title VI Training

~~SKATS staff provided Title VI training to both the Policy and Technical Advisory Committees in August 2018 at their regularly held meetings. A PowerPoint presentation was created and is included in Appendix M of this document.~~ Title VI training materials will be made available to new SKATS staff, Policy and advisory committee members, and sub recipients, consultants, and contractors. Additional or on-going training will be provided, as needed.

Title VI Data Collection and Reporting

The Salem-Keizer Area Transportation Study is required to consider the impacts that its ~~Regional Metropolitan~~ Transportation Plan (~~MRTSP~~), Transportation Improvement Program (TIP), and other plans and programs have on Title VI protected populations. It is important to evaluate issues regarding the equity of both service provision and distribution of impacts related to alternatives on various population groups with the region. To this end, SKATS will continue to update information on Title VI populations and use this information in its planning and development of the ~~MRTSP~~ and TIP. In addition, SKATS will collect demographic information on public participation and document all instances of Title VI complaints. This information will be made part of the Annual Accomplishment Report.

The following procedures are hereby established for data collection and reporting:

1. Transportation Disadvantaged Reports and ACS Data

Periodically (not to exceed 5 years) SKATS staff will produce a report entitled *Demographic Profile of Transportation Disadvantaged Populations in the SKATS Area*, using data from the American Community Survey (ACS). (~~See Appendix F – for the link to the latest reports.~~) The report was most recently produced in 20~~22~~¹⁷ from 201~~16~~¹⁰-201~~5~~²⁰ ACS data. For planning purposes, these reports identify the potential “Transportation Disadvantaged” population as including someone who is identified as one of the following:

- Minority and Hispanic persons
- Elderly persons

- The poor (persons in households with income below the poverty level)
- Limited English-speaking households
- Persons with go-outside-home disabilities
- Households with no access to vehicles

Census data is analyzed, and concentrations of the various transportation disadvantaged populations are identified with tables and maps. In addition to the summary report, an online and interactive map of the data is available at:
<https://mwvcog.maps.arcgis.com/apps/webappviewer/index.html?id=c62511a653084df3a7391095f6af8d6d/>

For transportation planning purposes, the size and location of the transportation disadvantaged population groups is useful in evaluating whether or not recommended projects and programs adequately address their unique needs and whether any negative aspects of a recommended action will disproportionately impact these members of the community. In addition, the geographic profile of the SKATS region is a useful tool in designing public involvement efforts and activities to meet the needs of the communities within the SKATS region.

2. Collect Demographic Information on Public Participants

SKATS MPO staff shall strive to collect demographic information on persons attending public participation events. This shall be accomplished by summarizing results from comment/feedback forms which request demographic information from participants at public meetings and workshops and public opinion polls. The submittal of demographic information will be voluntary.

3. Maintain Records of Title VI complaints

The SKATS MPO shall maintain records of complaints that it receives, as well as materials related to the investigation, final determination, and corrective actions, if any, that have been taken. *(See Appendices H and I for specific Title VI complaint procedures and forms.)*

Annual Accomplishment Report

A Title VI annual report will be submitted to the ODOT Regional Local Agency Liaison ODOT's Office of Civil Rights for review and approval. The update will report on accomplishments and changes occurring during the preceding year and will also include goals and objectives for the following year. The report will include:

- Baseline demographic information for the SKATS region from census data.
- A demographic profile of SKATS staff.
- A demographic profile of members of the SKATS Policy and Technical Advisory Committees.

- Attendance records and demographic information (as voluntarily provided by attendees) at public meetings and other events hosted by SKATS.
- Documentation of Title VI discrimination complaints and status.
- Summary of the year's accomplishments for complying with Title VI strategies listed in this plan.

Contracts and Intergovernmental Agreements

The SKATS MPO executes intergovernmental agreements with the Oregon Department of Transportation, the Salem Area Mass Transit District, and other MPO partners for the performance of specific projects or activities. The standard language incorporated into these intergovernmental agreements requires that the partners comply with all applicable federal, state, and local laws, rules, ordinance, and regulations at all times and in the performance of the work. This provision would include the nondiscrimination and environmental justice provisions contained under Title VI of the Civil Rights Act and accompanying rules and orders.

Complaint Process and Procedures

If any individual believes that any program beneficiaries have been subjected to unequal treatment or discrimination based on the grounds of race, color, national origin, limited English Proficiency, ~~sex~~gender, income, age, or disability, that individual may exercise their right to file a complaint with the MWVCOG. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must be in writing and signed by the complainant(s). Formal complaints will be submitted, evaluated, and processed as set forth in *Appendix H –Nondiscrimination Complaint Procedures*.

Environmental Justice and the Work of the MPO

Environmental Justice Executive Order

In 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order focused attention on Title VI by providing that "each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." In 2023, President Biden issued Executive Order 14096 which builds on prior Environmental Justice (EJ) initiatives strengthening the role of scientific, data-based research and analysis, and integrating EJ considerations within administrative functions.

A series of orders have been issued by federal agencies requiring the incorporation of Environmental Justice principles into federal programs and policies. Additional clarifying materials have also been issued. The following materials are applicable to transportation planning issues:

- The United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2) in 1997, and an updated order (DOT Order 5610.2(a)) in 2012 and in 2021.
- The Federal Highway Administration (FHWA) issued an Order on Environmental Justice (FHWA Order 6640.23) in 1998, and an updated order (FHWA Order 6640.23A) in 2012.
- On October 7, 1999, FHWA and Federal Transit Administration (FTA) issued a memorandum to their respective field administrative offices clarifying Title VI requirements in metropolitan and statewide planning. The memorandum identifies a series of actions that can be taken to support Title VI compliance and Environmental Justice goals, improve planning performance, and minimize the potential for subsequent corrective action and complaint.
- In addition, the FTA has issued a Circular in 2007 (FTA 4702.1A) which contains requirements and guidelines for Metropolitan Planning Organizations. FTA updated their Title VI circular 4702.1B in 2012 and also issued Circular 4703.1 in 2012 on Environmental Justice

There are three fundamental Environmental Justice principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects including social and economic effects on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Environmental Justice must be considered in all phases of planning and focuses on enhanced public involvement and an analysis of the distribution of benefits and impacts. Environmental Justice issues arise most frequently when:

- Some communities get the benefits of improved accessibility, faster trips, and congestion relief while others experience fewer benefits;
- Some communities suffer disproportionately from transportation program's negative impacts like air pollution;
- Some communities have to pay higher transportation taxes or higher fares than others in relation to the services that they receive; or
- Some communities are less represented than others when policymaking bodies debate and decide what should be done with transportation resources.

Although Environmental Justice concerns are more frequently raised during project development, Environmental Justice applies equally to the process and products of planning, which are the primary activities of the SKATS MPO.

What has been the SKATS MPO's approach on Environmental Justice?

As a recipient of federal funds, the SKATS MPO is required through an Environmental Justice analysis to identify and address disproportionately high and adverse effects of the agency's programs, policies, and activities on minority and low-income populations to achieve an equitable distribution of benefits and burdens. Environmental Justice analysis is included in both the ~~RMTSP~~ and TIP, in which the benefits and impacts of proposed and final transportation projects are evaluated in relation to census and mapping data

The SKATS Public Participation Plan outlines outreach steps and strategies to communities that may be traditionally underserved such as people with disabilities, seniors, low-income, and racial and ethnic minorities. SKATS maintains distribution lists that include community members, neighborhood associations, community and service organizations. SKATS produces informational material for each plan update. These materials are provided to the public by mailings and at presentations and open house events. SKATS uses its website as a primary source of information and has begun to use social media as an outreach tool. SKATS continues to evaluate its approach, techniques, and successes for public involvement.

What are the SKATS MPO's goals with regard to Environmental Justice?

SKATS' goals for Environmental Justice are in concert with those supporting Title VI. The MPO is committed to fostering a just and equitable society and recognizes the key role that transportation services provide to the community. In addition to the Title VI non-discrimination principles, SKATS establishes the following basic principles to additionally serve as overall objectives when addressing Environmental Justice:

- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of, transportation plans and programs on Environmental Justice populations.

- Avoid disproportionately high and adverse impacts on Environmental Justice populations.
- Comply with the requirements of Environmental Justice, and related statutes, regulations, and federal directives.

Strategies for Addressing Environmental Justice in Planning Efforts

The SKATS MPO is committed to ensuring that its transportation planning program and plans meet the transportation accessibility, mobility, and safety needs of all people throughout the SKATS region and avoid disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations.

Though it is recognized that much of the evaluation for Environmental Justice issues will occur at the specific project-level planning phase (which is the responsibility of the project proponent) rather than the overall transportation planning phase, the SKATS MPO can use a variety of measures to identify the risk of discrimination so that positive corrective action can be taken during the planning phases and to serve as a building block in subsequent decision making and analysis of project developments.

For the ~~Regional~~Metropolitan Transportation ~~System~~ Plan (RMTSP), these measures include early engagement with minority and low-income populations through outreach activities during the development of the plan and in the public comment period. In addition to public outreach, SKATS has a three-pronged approach to addressing Environmental Justice in the RMTSP. The first is in outreach. Second, the project ranking and selection process in which Environmental Justice factors are part of the scoring criteria. Third~~Second~~, a geographic spatial analysis with Census data examines the physical and financial distribution of draft projects to assess benefits and burdens to neighborhoods. ~~Third, draft projects are evaluated with the use of the travel demand model to calculate travel benefits to population areas.~~

Similarly, measures for the Transportation Improvement Program (TIP) include early engagement with minority and low-income populations through outreach activities during the development of the plan and in the public comment period. Environmental Justice is considered under the project benefit portion of the TIP application and therefore factors in as part of the scoring criteria. Projects under consideration are included in a geographic spatial analysis with Census data examining their physical and financial distribution to assess benefits and burdens. Lastly, projects in the TIP predominately come from projects already included in the RMTSP and have therefore undergone a prior Environmental Justice evaluation.

SKATS will continue to improve its strategies for addressing Environmental Justice and continue to improve public involvement participation of minority and low-income populations in transportation decision making.

Appendix A – Statutes, Authorities, and Citations

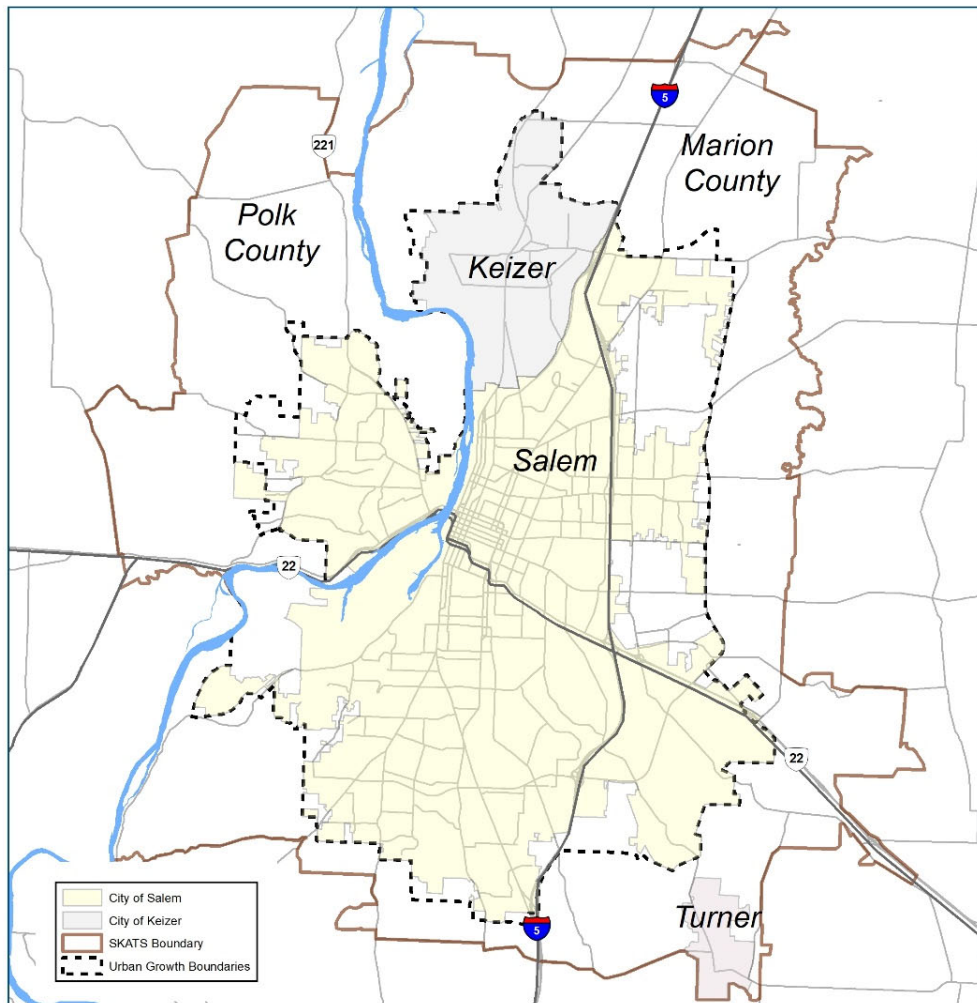
- ***Title VI of the Civil Rights Act*** provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 Code of Federal Regulations (CFR) 200.9 and 49 CFR Part 21). Since the Civil Rights Act was passed, other nondiscrimination authorities have expanded the scope and range of Title VI, including the following:
- ***The Federal Aid Highway Act of 1973 (23 USC 324)*** prohibits discrimination based upon sex (gender).
- ***Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and Title II of the American with Disabilities Act (42 USC 12101 et seq. and 49 CFR Parts 27, 37, 38)*** extended the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination based on disability.
- ***The Age Discrimination Act of 1975*** prohibits discrimination based on age (42 USC 6101).
- ***The Civil Rights Restoration Act of 1987*** broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (***refer to Public Law 100259 [S. 557] March 22, 1988***).
- ***Executive Order 12250 (28 CFR Part 41)*** requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance, including Title VI of the Civil Rights Act of 1964 (***42 United States Code (USC) 2000d et seq.***).
- ***The Americans with Disabilities Act of 1990*** prohibits, discrimination based on disability.
- ***Executive Order 12898 (28 CFR 50)*** directs federal agencies to evaluate impacts on low-income and minority populations and ensure that there are not disproportionate adverse environmental, social, and economic impacts on minority and low-income populations. This order also directs federal agencies to provide enhanced public participation where programs may affect such populations.
- ***In 1998, the FHWA issued Order 6640.23*** which contained policies and procedures for the FHWA to use in complying with Executive Order 12898, and updated order (FHWA Order 6640.23A) in **2012**.
- ***On October 7, 1999, FHWA and FTA*** issued a memorandum to their respective field administrative offices clarifying Title VI requirements in metropolitan and statewide planning. The memorandum provides division FHWA and FTA staff a list of proposed review questions to assess Title VI capability and provides guidance in assessing Title VI capability. Failure to be in compliance can lead to a corrective action being issued by FTA and/or FHWA, and failure to address the corrective action can affect continued Federal funding.

- ***Executive Order 13166*** is designed to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP). The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency” (LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI’s prohibition against national origin discrimination. The U.S. Department of Transportation has issued Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (***DOT LEP Guidance, Federal Register, vol. 70, no. 239, pp. 74087–74100, December 14, 2005***).
- ***23 CFR 200 and 49 CFR 21*** are administrative regulations from Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) that specify requirements for state DOTs to implement Title VI policies and procedures at the state and local levels.
- ***The U.S. Department of Transportation Planning Assistance and Standards*** require metropolitan planning organizations (MPOs) to seek out and consider “the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services” (***refer to 23 CFR 450.316***).
- ***The US Department of Transportation (USDOT) issued an Order on Environmental Justice (DOT Order 5610.2)*** which describes the process that the Office of the Secretary and each Operating Administration will use to incorporate Environmental Justice principles (as embodied in the Executive Order) into existing programs, policies, and activities. As the USDOT’s response to Executive Order 12898, it generally describes the process for incorporating Environmental Justice principles into DOT programs, policies, and activities. The objective of the Order is to ensure that the interests and well-being of minority populations and low-income populations are considered and addressed during transportation decision making, and to achieve this by working within the existing statutory and regulatory requirements. Like Executive Order 12898, the DOT Order does not create a new set of requirements for state and local agencies but is intended to reinforce considerations already embodied in existing law, such as NEPA and Title VI. The Order states that DOT will not carry out any programs, policies, or activities that will have a disproportionately high and adverse effect on minority populations or low-income populations unless “further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable.” Updated (DOT Order 5610.2(a) in 2012 **and May 16, 2021**).
- ~~In addition,~~ The FTA has issued a ***Circular in 2007 (FTA 4702.1A)*** which contains requirements and guidelines for MPOs, updated (FTA 4703.1) in 2012.
- ~~The US DOT Title VI Order 1000 12.C was issued in June 2021,~~ **the Order provides policy direction, practices, and standards to Operating Administrations (OAs) for establishing**

and maintaining an enforcement program that ensures Title VI compliance. Additionally, the Order delineates the roles and responsibilities of OAs with respect to overseeing and implementing Title VI, as well as the roles and responsibilities of the Departmental Office of Civil Rights (DOCR) and the Office of the General Counsel (OGC).

- **Executive Order 14096**, Revitalizing Our Nation’s Commitment to Environmental Justice for All, seeks to deepen the Biden administration’s “whole-of-government” approach to environmental justice (EJ) by fully integrating the consideration of unserved and overburdened communities and populations into all aspects of federal agency planning and delivery of services. The Executive Order (EO), which was released on **April 21, 2023**, builds on prior EJ initiatives strengthening the role of scientific, data-based research and analysis, along with the integration of EJ considerations within administrative functions. Each agency shall now make achieving EJ part of its mission.

Appendix B – SKATS Boundary Map



Appendix C – SKATS Committees & Staff Composition

2023~~19~~ SKATS Policy Committee:

SKATS Policy Committee

Cathy Clark, Chair, Mayor of Keizer

~~Paul Kylo~~ Maria Hinojos-Pressey, Vice Chair, Salem-Keizer 24J School District Board

~~Sam Brentano~~ Kevin Cameron, Marion County Board of Commissioner

~~Jim Lewis~~ Trevor Phillips, Salem City Council

Sadie Carney, SAMTD Board of Directors

Lyle Mordhorst, Polk County Board of Commissioners

~~Gary Tiffin~~ Steve Horning, Mayor of Turner

~~Lisa Nell~~ Anna Henson, ODOT Region 2

2023~~19~~ SKATS Technical Advisory Committee:

SKATS Technical Advisory Committee

~~Nate Brown, Chair~~ Shane Witham, Keizer Community Development

Austin McGuigan, Vice Chair, Polk County Planning

Lisa Anderson-Ogilvie, Salem Community Development

~~Steve Diekey~~ Chris French, Salem Area Mass Transit District

~~Dan Fricke~~ Brandon Williams, ODOT Region 2

Victor Lippert, Salem-Keizer 24J School District

~~Robert Mansolillo~~ Melissa Ahrens, Oregon Department of Land Conservation and Development, DLCD

~~Brandon Reich~~ Austin Barnes, Marion County Planning

~~David Sawyer~~ Scott McClure, Turner City Manager

Janelle Shanahan, Marion County Public Works

~~Rachael Tupica~~ Jasmine Harris, Federal Highway Administration, FHWA

Julie Warncke, Salem Public Works

Bill Lawyer, Keizer Public Works

Todd Whitaker, Polk County Public Works

~~Cery Ann Wind~~ Rachel Sakata, Oregon Department of Environmental Quality, DEQ

~~Sam Ayash~~, ODOT ~~System Studies~~ Trans. Planning Analysis Unit, as needed

Demographic Profile of SKATS MPO Staff – 20~~23~~¹⁹

The following is a staffing composition listing by position, race, and gender.

Job Title	Race	Gender
Program Director	Caucasian	Male
Senior Planner	Caucasian	Female
Senior Planner	Caucasian	Male
Senior Associate Planner	Caucasian	M Female
Associate Planner	Caucasian	Female
GIS Analyst	Caucasian	Female
GIS Analyst	Latino	Male
Administrative Assistant	Caucasian	Female
<u>Safe Routes to School Coordinator</u>	<u>Caucasian</u>	<u>Female</u>

Appendix D

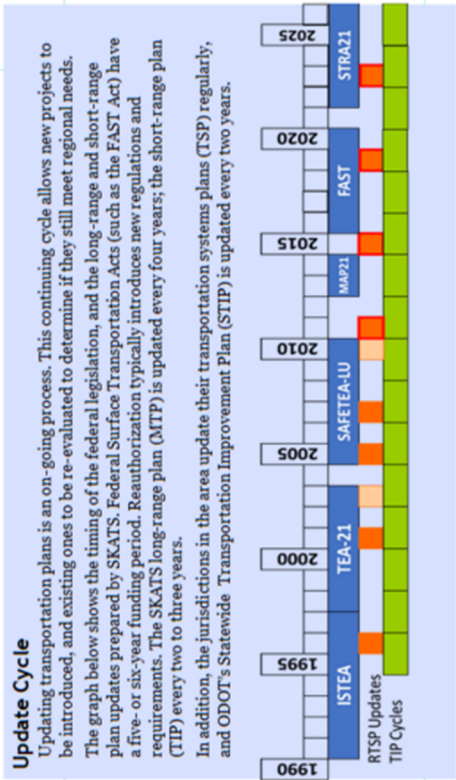
A copy of the SKATS Public Participation Plan can be accessed via the following link:

<https://www.mwvcog.org/transportation/page/public-participation>

<http://www.mwvcog.org/programs/transportation-planning/skats/public-participation/>

Please contact SKATS staff at the MWVCOG offices (at 503-588-6177) to request a paper copy.

Appendix E -Public Outreach Materials



to
How we plan for transportation
in the Salem-Keizer area and
how you can be involved.

Process

Many of the transportation projects that are funded are done so to meet a need, whether that is a safety issue, facilities to provide access to a new development, or ensuring that the region's roads are suitable for all modes. The majority of projects need approval before they are constructed, whether from a city or county, or ODOT.

Projects in the Salem-Keizer area that use Federal transportation funds need the approval of the SKATS Policy Committee before they may proceed. The projects must be consistent with the long-range plan (RTSP) and be included in the short-range plan (TIP).

Non-Discrimination

Title VI of the Civil Rights Act of 1964 requires that no person in the United States of America shall, on the ground of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which SKATS, or any jurisdiction that receives federal financial assistance.

Environmental Justice

Environmental justice means identifying and addressing disproportionately high and adverse effects of projects and programs on minority and low-income populations to achieve an equitable distribution of benefits and burdens.



Please contact us if you would like to be kept informed about the transportation plan update, future open houses, and other upcoming events.

Phone: 503-588-6177 **Email:** skats@mwvco.org

Planning occurs at several levels

Our transportation system is an important part of daily life for everyone, whether our primary concern is traffic congestion, reliable bus service, access to bike lanes, or efficient freight movement. How can we make sure our roads and transit systems are safe, efficient and reliable? Read on!

- Cities, counties, and states develop plans and programs that address these transportation issues. The responsibility for transportation facilities usually falls to the jurisdiction (city, county, or state) that manages the street.
- For example, if you were concerned about potholes or speeding on your street, you would contact your city or county public works department.
- The Salem Area Mass Transit District (aka "Cherriots") is responsible for the operation and planning of our local bus system.
- The Oregon Department of Transportation (ODOT) is responsible for highways such as Interstate 5 and Highway 22 (including the Marion and Center Street bridges).

Still, because state facilities connect with local arterials, and bus service operates on city and county streets, there is a need for cooperative planning across jurisdictions and agencies.



How can you help?

If you want to propose a new project, your local public works department is the best place to start. If you want to help plan for transportation, have a say in how your transportation dollars are spent, or simply want information, all of these jurisdictions have websites featuring local transportation planning processes and contact information.

In addition, check the websites or watch your local paper for information on open houses, workshops, and public hearings. Depending on the project, jurisdictions might mail information to residents and interview stakeholders. Many of the jurisdictions have staff available for speaker presentations to groups and organizations.

Seeking the participation and ideas of all segments of the public is an important part of the transportation planning process.

Websites for the local transportation planning agencies:

SKATS	www.mwvog.org/programs/transportation-planning/skats
City of Keizer	www.keizer.org/public-works
City of Salem Public Works	www.cityofsalem.net
City of Turner	www.turneroregon.gov/
SAMTD/Cherriots	www.cherriots.org
ODOT Region 2	www.oregon.gov/ODOT/Regions/Pages/Region-2-Northwest
Marion County	www.co.marion.or.us/pw
Polk County	www.co.polk.or.us/pw

Each jurisdiction and agency prepares its own long-range transportation plan and short-term funding/construction program

Local

City of Salem
City of Keizer
City of Turner

Marion County
Polk County
Salem Area Mass Transit District (SAMTD)

The cities of Salem, Keizer, and Turner, and Marion and Polk counties each have a transportation systems plan (TSP), which is part of their comprehensive land use plan. Cities and counties update these plans periodically to reflect changes in transportation needs.

Cities and counties list their funded transportation projects in their capital improvement programs.

Regional

Salem-Keizer Area Transportation Study (SKATS)

The Salem-Keizer Area Transportation Study (SKATS) brings together elected representatives from Salem, Keizer and Turner; Marion and Polk counties; SAMTD and ODOT. Projects from the local and statewide plans are incorporated into the SKATS Metropolitan Transportation Plan (MTP). This long-range plan contains recommended projects (road and transit improvements, bicycle facilities, etc.) to accommodate anticipated growth over the next 20 years. The plan is updated every four years. The SKATS Transportation Improvement Program (TIP) identifies which high-priority projects from the plan will be funded or built for an upcoming four-year period. Projects are paid for with a combination of federal, state, and local funds.

The Mid-Willamette Area Commission on Transportation (MWACT) is a forum to discuss and set regional transportation priorities on the state highway system within Marion, Polk, and Yamhill counties. Priority projects are submitted to the Oregon Transportation Commission, where they compete for limited state highway modernization funds.

Statewide

Oregon Department of Transportation (ODOT)

The Oregon Department of Transportation (ODOT) develops a long-range statewide transportation plan, a statewide highway plan, and a four-year funding plan State Transportation Improvement Plan (STIP).

ODOT and local jurisdictions collaborate on corridor or facility plans.

Appendix F

The *Transportation Disadvantaged Populations in the SKATS Region (2017~~22~~)* is available here:

<https://www.mwvcog.org/transportation/page/transportation-disadvantaged-reports>

<http://www.mwvcog.org/programs/transportation-planning/skats/reports-and-data/>

Please contact SKATS staff at the MWVCOG offices (at 503-588-6177) to request a paper copy.

Appendix G - Nondiscrimination Notice to the Public

The following notice will be included on all copies of SKATS adopted documents, including but not limited to the Regional Transportation System Plan, Transportation Improvement Program, Public Participation Plan, and Unified Planning Work Program.

NONDISCRIMINATION NOTICE TO THE PUBLIC

The Salem-Keizer Area Transportation Study (SKATS) hereby gives public notice that it is the policy of the SKATS Policy Committee to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of SKATS. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with SKATS. Any such complaint must be in writing and filed with the SKATS' Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, see the web site at www.mwvcog.org or call 503-588-6177.

When space on document (such as a brochure describing the MPO) does not permit the above notice, the following notice may be used:

NONDISCRIMINATION NOTICE TO THE PUBLIC

SKATS is committed to fully comply with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all its programs and activities. For more information, or to obtain a Title VI Complaint Form, see our Web site at: www.mwvcog.org or call 503-588-6177.

Appendix H – Nondiscrimination Complaint Procedures

Mid-Willamette Valley Council of Governments (MWVCOG) Acting in its Capacity as the Salem-Keizer Area Transportation Study (SKATS) Metropolitan Planning Organization (MPO)

Notice of Nondiscrimination

MWVCOG hereby gives public notice that it is the policy of the MWVCOG to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities.

Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of MWVCOG and SKATS.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with MWVCOG. Any such complaint must be in writing and filed with the MWVCOG's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

The Title VI Discrimination Complaint Form is provided as Appendix I of this Title VI plan. For more information, or to obtain additional Title VI Discrimination Complaint Forms, see the web site at www.mwvcog.org or call 503-588-6177.

Nondiscrimination Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by MWVCOG or its sub recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Detailed Procedures for Filing and Investigating Discrimination Complaints

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with MWVCOG Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements.
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for MWVCOG to be able to process it.
 - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to MWVCOG for processing.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of MWVCOG's or SKATS' sub recipients of federal funds, MWVCOG will assume initial jurisdiction for receiving the complaint and will coordinate with Oregon Department of Transportation's ("ODOT") Office of Civil Rights to determine which agency will investigate and adjudicate the case. Complaints against MWVCOG will be referred to the ODOT's Office of Civil Rights for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, disability, color, national origin, limited English proficiency, income status, or ~~sex~~gender.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub recipient, or contractor.
 - d. The complainant(s) must accept reasonable resolution based on MWVCOG's administrative authority (reasonability to be determined by MWVCOG).

4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for addition information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once MWVCOG or ODOT decides which agency will accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged into MWVCOG or ODOT records identifying its basis and alleged harm, and the race, religion, color, national origin, and ~~sex~~gender of the complainant.
6. Once MWVCOG or ODOT assumes the investigation of the complaint, MWVCOG or ODOT will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of MWVCOG or ODOT written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where MWVCOG assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, MWVCOG's Investigator will prepare an investigative report for review by the MWVCOG's Executive Director, who may choose to have the report also reviewed by MWVCOG'S Attorney. (MWVCOG investigator can be one of MWVCOG/SKATS Title VI designees, an outside inspector, or MWVCOG/SKATS Title VI Coordinator.) The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. In cases where MWVCOG assumes the investigation of the complaint, the investigative report and its findings will be sent to the MWVCOG Executive Director and/or Attorney for review. The MWVCOG Executive Director and/or Attorney will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
9. In cases where MWVCOG assumes the investigation of the complaint, any comments or recommendations from the MWVCOG Executive Director and/or Attorney will be reviewed by MWVCOG's Investigator. The Investigator will discuss the report and recommendations with the MPO Director or MWVCOG Executive Director within 10 calendar days. The report will be modified, as needed, and made final for its release.
10. MWVCOG or ODOT's final investigative report and a copy of the complaint will be forwarded to the FHWA within 60 calendar days of the acceptance of the complaint.
11. MWVCOG or ODOT will notify the parties of its final decision.

12. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the U.S. Department of Transportation (“USDOT”). The complainant has 180 days after MWVCOG’s final resolution to appeal to USDOT. Unless facts not previously considered come to light, reconsideration of appeal to MWVCOG will not be available.

Appendix I

SKATS Title VI Complaint Form

This form may be used to file a complaint with the Salem-Keizer Area Transportation Study (SKATS) based on purported violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form. A letter that provides the same information is sufficient to file your complaint.

If you need assistance completing this form due to a physical impairment, please contact us by phone (503) 588-6177 or by e-mail at mwvcog@mwvcog.org.

Only the complainant or the complainants designated representative should complete this form.

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____
(Home Phone) (Work Phone) (FAX)

Individual(s) discriminated against, if different from above (*use additional pages, if necessary*):

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____
(Home Phone) (Work Phone) (FAX)

Please explain your relationship to the individual(s) indicated above:

Name of Individual that discriminated (if known):

Date(s) of Alleged Discrimination: _____

Last or Most Recent Date of Discrimination: _____

Waiver Request:

Generally, complaints of discrimination must be filed within 180 days of the alleged discrimination. If the most recent date of discrimination listed was more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint:

Type of Complaint:

<input type="checkbox"/> Race/Color _____	<input type="checkbox"/> Income _____
<input type="checkbox"/> National Origin/Language _____	<input type="checkbox"/> Age _____
<input type="checkbox"/> Sex _____	<input type="checkbox"/> Disability _____

Nature of the Complaint (use additional sheets, if necessary): _____

Signature: _____ **Date:** _____

Please provide the name(s) of any witnesses to the alleged discrimination. (Attach additional sheets, if necessary.)

Name: _____

Street Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ (Home Phone) _____ (Work Phone) _____ (FAX)

Note: *The laws enforced by this department prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:*

*Mike Jaffe, MPO Program Director/Title VI Coordinator
Mid-Willamette Valley Council of Governments
100 High St. SE, Suite 200
Salem, OR 97301-3667*

Please return this form to:
ATTENTION Title VI Coordinator
MWVCOG/SKATS
100 High St. SE, Suite 200
Salem, OR 97301-3667
FAX: 503-588-6094

Date Complaint Received: _____

Appendix J – SKATS Title VI Assurances

The Mid-Willamette Valley Council of Governments, acting in its capacity as the Salem-Keizer Area Transportation Study (SKATS) Metropolitan Planning Organization (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition of receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

“The Salem-Keizer Area Transportation Study, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Part A of this assurance in every contract subject to this Act and the Regulations.

4. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
5. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

MPO Program Director

Date

Part A, TITLE VI ASSURANCE to FHWA

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of

the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Mid-Willamette Valley Council of Governments or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Mid-Willamette Valley Council of Governments, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the Recipient shall impose contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies; and/or
 - (b) cancellation, termination, or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Mid-Willamette Valley Council of Governments or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Mid-Willamette Valley Council of Governments to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix K – Acronym List

ACS – American Community Service

ADA – Americans with Disabilities Act

CFR – Code of Federal Regulations

EJ – Environmental Justice

FAST - *Fixing America's Surface Transportation*. Five-year federal surface transportation legislation from 2015-2020. Successor to MAP-21

FHWA - Federal Highway Administration

FTA – Federal Transit Administration

IIJA -- *Infrastructure Investment and Jobs Act, 2022-2026 surface transportation authorization act*

LEP – Limited English Proficiency

MPO – Metropolitan Planning Organization

MTP – Metropolitan Transportation Plan

MWVCOG – Mid-Willamette Valley Council of Governments

ODOT – Oregon Department of Transportation

OEO – Office of Equal Opportunity

PC – Policy Committee

PPP – Public Participation Plan

TIP – Transportation Improvement Program

TMA – Transportation Management Area

SAMTD - Salem Area Mass Transit District

SKATS – Salem-Keizer Area Transportation Study

TAC – Technical Advisory Committee

UPWP – Unified Planning Work Program

USDOT – United States Department of Transportation

Appendix L – Comparison Chart of Title VI and Environmental Justice

US Environmental Protection Agency, Office of Environmental Justice
April 3, 2014

Title VI and Executive Order 12898 Comparison

<u>Aspects of the Authorities</u>	<u>Title VI of the Civil Rights Act of 1964</u>	<u>Executive Order 12898</u>
What is the authority?	Title VI is a federal statute enacted as part of the Civil Rights Act of 1964.	E.O. 12898 is a Presidential executive order signed in 1994. It is not a statute or law.
What does it say?	<p>Title VI prohibits discrimination on the basis of <u>race, color, and national origin</u> in programs and activities receiving federal financial assistance.</p> <p>Title VI itself prohibits intentional discrimination, and most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discriminating on the basis of race, color, or national origin.</p>	E.O. 12898 directs all Federal agencies to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”
What is the purpose?	Title VI was designed to ensure that federal funds are not being used for discriminatory purposes.	E.O. 12898 was issued to focus federal attention on the environmental and human health conditions in minority and low-income communities; to promote nondiscrimination in federal programs substantially affecting human health and the environment; and to provide minority and low-income communities’ access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.
Who is covered?	Title VI applies to recipients of federal financial assistance.	E.O. 12898 applies to designated Federal agencies. (E.O. 12898 Section 6-604, see also 2011 Memorandum of Agreement on Environmental Justice)

<u>Aspects of the Authorities</u>	<u>Title VI of the Civil Rights Act of 1964</u>	<u>Executive Order 12898</u>
What is required?	<p>Title VI requires federal agencies to monitor their recipients and ensure their compliance with Title VI.</p> <p>Title VI requires recipients of federal financial assistance to not discriminate on the basis of race, color, or national origin.</p>	E.O. 12898 requires Federal agencies to create environmental justice strategies. Pursuant to the 2011 Memorandum of Agreement on Environmental Justice entered into by 17 Federal agencies, those agencies agreed to issue an annual implementation progress report on environmental justice.
How is it enforced?	<p>Individuals alleging <u>intentional</u> discrimination may file suit in federal court or a complaint with the federal agency providing funds for the program or activity at issue.</p> <p>If a program or activity has a <u>discriminatory effect</u>, individuals may file an administrative complaint with the federal funding agency. An individual <u>cannot</u> file a suit in federal court to address discriminatory impacts of a recipient's activities.</p> <p>Additionally, federal agencies have the authority to conduct compliance reviews of recipients to ensure their activities do not violate Title VI.</p>	<p>E.O. 12898 is not enforceable in the courts and it does not create any rights, benefits, or trust responsibilities enforceable against the United States.</p> <p>While the E.O. 12898 is not enforceable against the United States, it is a Presidential order that requires each Federal agency to "conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons ... from participation in, denying persons ... the benefits of, or subjecting persons ... to discrimination under, such programs, policies, and activities, because of their race, color, or national origin."</p> <p>Therefore, to accomplish the goals of E.O. 12898, a Federal agency may implement policies that affect their funding activity. Agencies may also utilize their authority under various laws such as the Clean Air Act, National Environmental Policy Act, and the Fair Housing Act to achieve the goals of the Executive Order.</p>

How do the Executive Order and Title VI overlap?

The Presidential Memorandum accompanying EO 12898 states, in part:

"I am therefore today directing that all department and agency heads take appropriate and necessary steps to ensure that the following specific directives are implemented immediately: In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin."

Agencies' Title VI enforcement and compliance authority includes the authority to ensure the activities they fund that affect human health and the environment, do not discriminate on the basis of race, color, or national origin. Therefore, agencies can use their Title VI authority, when appropriate, to address environmental justice concerns.

Table 1. A comparison of EJ, the Title VI statute, and the FHWA Title VI Program

Area of Comparison	EJ	Title VI Statute	FHWA Title VI Program
Authorizing source	Executive Order 12898	Civil Rights Act of 1964	Title VI Program and Related Authorities: 23 CFR 200
Goal	Identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations	Prohibit discrimination on the basis of race, color, or national origin in programs receiving Federal assistance	Ensure that funding recipients comply with Title VI and related civil rights authorities
Protected classes	Minority and low-income populations	Race, color, and national origin	Race, color, national origin, sex, age, disability, low-income, and limited English proficiency
Covered actions	Federal programs, policies, and activities	All activities of recipients of Federal assistance	All activities of recipients of FHWA assistance
FHWA Lead Office	Office of Civil Rights and Office of Planning, Environment, and Realty	Office of Civil Rights	Office of Civil Rights
Entities responsible for implementation	FHWA offices and recipients of Federal assistance	FHWA offices and recipients of Federal assistance	FHWA offices and recipients of FHWA assistance
Provides authority for private parties to initiate a lawsuit	No. However, where an agency opts to examine EJ as part of its NEPA analysis, courts may review the EJ analysis under the Administrative Procedure Act.	Yes. However, there is only a private right of action in a lawsuit for claims of intentional discrimination and not disparate impact discrimination. Only the funding agency issuing the disparate impact regulation has the authority to challenge a recipient's actions under a disparate impact claim.	No

Agenda Item D

SKATS FY 2024 – 2025 Unified Planning Work Program

SKATS Technical Advisory Committee

October 10, 2023

Action Requested: Discussion Item

DRAFT

Summary of Activities for the SKATS 2023-2024 Unified Planning Work Program (UPWP)

Timeframe: July 2024 – June 2025

UPWP Schedule

- **October/November** – review planned activities with TAC and Policy Committee
- **December** – staff prepares draft UPWP.
- **January** – present draft UPWP to Policy Committee; submit draft to ODOT, FHWA, FTA at end of January, who submit comments to SKATS
- **February (date TBD)** – onsite or virtual meeting with FHWA/FTA/ODOT to review draft UPWP.
- **March** – revised UPWP prepared by SKATS, with comment response log, due to ODOT, etc.
- **April** – request Policy Committee to approve final UPWP.
- **May** – SKATS transmits approved UPWP to ODOT
- **June 2024** – funding agreements signed

UPWP items

- **Upkeep of 2024-2029 SKATS TIP**
 - Expected activities include:
 - Processing TIP amendments and adjustments as needed.
 - Addressing project funding shortfalls due to cost escalations.
 - Working with local jurisdictions to track SKATS-funded projects in the TIP. Each project phase needs to meet obligation deadlines, so we achieve our 3-year average obligation targets to qualify for redistribution funds from ODOT.
 - Checking that projects in the TIP are helping SKATS meet adopted federal performance measures.
 - e-TIP – the 3 TMAs agreed to cooperate on the contract to develop and fund a TIP Database System. A soft launch of the platform began in fall 2023. During the year, staff will use the system to manage TIP projects and transition to full utilization for tracking project funding.
- **Preparing for 2027-2032 SKATS TIP:** Expected final adoption is May 2026.
 - Work this period will focus on:
 - Determining funding availability.
 - Requesting pre-applications be submitted by member jurisdictions.
 - TAC review of pre-applications.
 - Requesting full applications be submitted by member jurisdictions.
 - TAC evaluation of full applications.
 - ODOT scoping and application adjustments.
 - TAC prioritization of project applications.

- **CMP (Congestion Management Process):**
 - Status: SKATS CMP adopted by PC in September 2022. ODOT reviewed the document and sent the document to FHWA/FTA for their consideration in late 2022. The CMP was developed to respond to FHWA/FTA corrective actions.
 - FHWA/FTA have not yet reviewed the CMP.
 - In 2024-25, continue use of RITIS by staff for collecting travel times along CMP corridors and analysis. Produce a yearly report in early 2025 documenting the findings for 2024 and changes over time.
- **SKATS Metropolitan Transportation Safety Action Plan (Metro TSAP)**
 - Adoption is anticipated in Summer 2024.
- **Public Participation Plan and Consultation Process Updates**
 - Review and update the two documents that define how engagement and consultation takes place for the updates of the TIP and MTP.
 - Adoption would be by November 2025.
- **Corridor and Area Plans**
 - OR22W/51 project. ODOT working with David Evan and Assoc (DEA) Environmental work and design alternatives. Keep SKATS PC updated on project design work.
- **Interagency – assistance and coordination with transportation partners**
 - Update the coordinating agreements between ODOT, MPO, Transit Districts.
 - Quarterly OMPOC and MPO/Transit meetings
 - Meetings of the Oregon Modeling Statewide Collaborative.
 - Provide Travel Modeling services and data for studies as requested.
 - Local jurisdiction assistance (as requested) and other state interagency coordination
 - Salem TSP update
 - Turner TSP update (TGM grant) – Adoption is scheduled for Fall 2024
- **Modeling and Data Collection**
 - Maintain the regional four-step model and use it for regional and corridor studies as needed.
 - Oregon Travel Survey (OTS) – travel survey of SKATS households. Collaboration between ODOT, Oregon MPOs, and consultant. Data from the survey will be delivered in Fall 2024 after which reports on travel within SKATS will be prepared. The data will also be used for model development.
 - Using ODOT’s contract with travel model consultant teams begin work on an ActivitySim travel model for the SKATS area.
 - Update SKATS area crash information with latest data from ODOT.
 - Traffic counts – update as data is available
 - Bike counts – discuss collaboration with local governments

- **Other**

- Keep updated on Federal Performance Measure targets, as needed.
- Follow the Public Participation Plan, when needed.
- Monthly Policy Committee and TAC meeting agendas and minutes
- Other Program Management requirements (budgets, reports, etc.)

- **Metropolitan Transit Planning REPRESENT FY 2023-2024 Entries**

- Regional Transit System Planning
 - **Cherriots Regional Service planning**
 - **Cherriots Local Service Planning**
 - **Comprehensive Operational Analysis** – Develop scope of work and procurement package for a request for proposals to hire a consultant. This analysis will help the district examine and evaluate our transit system as a whole to determine where improvements can be made to make our operations more effective and efficient.
- Regional Significant Project Planning
 - **South Salem Transit Center** -- Support the NEPA and initial design phase of the project. Planning to support for future funding for building the center.
 - **ITS** – Support planning efforts around technology on transit vehicles.
- Transportation Improvement Program (TIP)
 - Develop and help with planning efforts for Cherriots projects that will be included in the TIP.
- General Regional Planning Coordination
 - Monitor Transit-Related Title VI Civil Rights, Limited English Proficiency (LEP), and Environmental Justice Data Related to Service Changes and Changes in Fares. Support the development of Justice 40 document for grant applications using planning process develop in the Cherriots planning department
 - **Transit Signal Priority Green light extension-** Coordination with City of Salem on Planning and implementing signal priority for transit buses within the local service area. A pilot group of signals on the Lancaster Drive corridor will be the first to be implemented.
 - Coordination with local organizations / agencies on projects affecting transit service in Cherriots service area.